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Letter dated 7 March 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, I have the honour to transmit herewith a copy of a letter dated 23 February 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Uganda to the United Nations.

I would appreciate it if the present letter and its annex could be issued as a document of the Security Council.

(*Signed*) Abdallah **Baali**
Chairman
Security Council Committee established pursuant
to resolution 1533 (2004) concerning the
Democratic Republic of the Congo

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Annex

Letter dated 23 February 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Uganda to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

I have the honour, upon instructions from my Government, to forward herewith the response of the Government of the Republic of Uganda to the report of the Group of Experts on the Democratic Republic of the Congo established by Security Council resolution 1552 (2004) (see S/2005/30).

I should be grateful if you could have the present letter and its enclosure circulated as a document of the Security Council.

(*Signed*) Charles W. G. **Wagaba**
Chargé d'affaires a.i.

Enclosure

Response of the Government of the Republic of Uganda to the report of the Group of Experts on the Democratic Republic of the Congo established by Security Council resolution 1552 (2004)

The Government of the Republic of Uganda welcomes the release in 2005 of the report of the UN Group of Experts on the DRC which was established under UN Security Council Resolution 1552 (2004).

The Government of Uganda is happy to note that the Report covers the various positive actions aimed at enhancing peace and security in the area and promote an atmosphere of mutual trust and cooperation among the three countries of DRC, Rwanda and Uganda. These include among others:

a. Appreciation of Uganda Government's cooperation with the Group of Experts during the gathering of information.

b. Acknowledgement of the efforts Uganda is taking together with DRC and Rwanda in normalization of the situation in the region especially the signing of the US-facilitated Tripartite Agreement on 26th October (between DRC, Rwanda and Uganda) as well as the operationalisation of the Joint Verification Mechanism (JVM) set up between DRC and Uganda in May 2004.

c. The acknowledgment of the magnitude of the problem in monitoring the flow of illegal arms into the DRC given the long borderline with nine countries, which is formed by lakes, mountains, rivers and impenetrable forests.

d. The acknowledgement of the inability of the DRC aviation authorities, the RVA to control their airspace and the need for international community to assist the RVA gain capacity.

e. The acknowledgement of Uganda's security concerns and the continued presence of armed groups (like the Allied Democratic Forces -ADF and the People's Redemption Army - PRA) who are bent on destabilizing Uganda.

f. The appreciation that the biggest problem in monitoring arms flows into Eastern DRC is the lack of effective authority by the Transition Government of National Unity (GNU) in Kinshasa and the absence of a fully integrated national army. It

also notes that MONUC has limited capacity (being under strength by troops), in terms of marine patrol and other forms of surveillance capacity central to the effective monitoring and enforcement of the embargo.

g. The appreciation of the steps taken by the Civil Aviation Authority – Ugan preventing abuses by aircrafts operating in and out of Entebbe interna airport.

h. Uganda welcomes the recommendations on the way forward, especially regard to:

(i) The need for strengthening MONUC troops with capacity to m airports, lakes, standardized weapons data collection, etc.

(ii) Putting in place confidence building measures and support of verification mechanisms involving AU, MONUC and other rel parties.

AREAS OF CONCERN IN THE REPORT TO UGANDA

1. Methodology

In spite of the above positive elements of the report, Uganda is still conc regarding the manner of information gathering employed by the Expert Group. D the discussion between the Uganda Technical Team and the Group in Kam October 2004, it was agreed we should, to the extent possible, share informatio cooperative manner. In this context, we agreed on a wrap-up session to exchang verify corroborated information in December 2004. Unfortunately, the Grou continued to rely on confidential sources without insisting on concrete evidence to negative allegations. We believe that the Group should have, as per our agree reciprocated the desire for a cooperative approach and shared some of their evide enable us to cross-check facts and to carry out further investigations and und corrective and preventive measures where necessary to ensure effective implemen of the arms embargo.

Clearly, the Expert Group's failure to attend an earlier agreed wrap-up meetin Ugandan officials to clarify some of the specific issues raised in the draft report its publication led to some of the unverified allegations in the final report.

Allegation 1: Contact with Armed Groups:

The Report alleges that Uganda maintains contacts with leaders of the Armed Groups in the embargoed Region in violation of UNSC Resolution 1533 (2004).

The contacts between the GOU and the leaders of the armed groups in Eastern DRC have not been aimed at violation of the arms embargo but to facilitate the peace process. As a result of these contacts the leadership of FAPC/UCPD and others have been integrated into the GNU. In conducting these contacts with the Armed Groups GOU has liased with Government in Kinshasa. Indeed at the time of writing this response, Commandant Jerome is in Kinshasa for talks with Government of the DRC.

We believe that a strong and unified government able to stamp its authority on the entire territory of the DRC will emerge from these efforts. Indeed, Uganda is convinced that the DRC should first establish peace and security and hold a general election in order to give legitimacy to the peace process before addressing issues of transitional justice including establishment of criminal tribunal and a Truth and Reconciliation Mechanism.

Allegation 2: Illegal Flights:

The Report alleges that there are unscheduled commercial flights between Uganda the DRC by Aircrafts based at the Military Apron of the old Entebbe Airport, which violate DRC airspace regulations.

To address the issue of aviation between Uganda and the DRC a MoU was signed in April 2004 in which measures were put in place to forestall any possible violations of each other's airspace. When operationalized the Memorandum of Understanding (MoU) adequately handled the possibility of illegal flights. All flights emanating from either direction have to have clearance from respective aviation authorities specifying among others the points of entry and exit (airports).

To further strengthen cooperation/coordination of air traffic between the two sides a letter of procedures between Entebbe/Kinshasa flight information regions was signed on the 29/102004 and it is now operational. The Government of Uganda has now directed that both the Ministry of Defence and the Civil Aviation Authority should ensure implementation of the decision that only military aircrafts or aircrafts chartered

by the Ministry of Defence shall be allowed to utilize the military airbase at Old Entebbe Airport.

While Uganda has gradually built up capacity to implement the terms and conditions of the two documents, she is aware of the institutional weaknesses in the DRC. The UNSC should therefore ensure that immediate steps are taken to assist RVA to enhance its capacity to Police Congolese Airspace.

Allegation 3: Negligible Customs Supervision:

The Report alleges that the absence of adequate customs personnel at checkpoints on the 1200km Uganda-DRC border could be construed as willful neglect, which facilitates violation of the embargo.

As stated in Uganda's earlier response, customs surveillance at the border line with the DRC is difficult because of lack of effective state control on the DRC side and lack of adequate capacity by the Ugandan customs to monitor the 1200km border dominated by rough terrain, mountains and big lakes.

Vis-avis is not a border post/crossing point but a mere preventive checkpoint under Lia customs post. It therefore cannot have personnel from the Customs Department. Either Vurra or Lia would have already cleared any trade that passes through Vis-à-vis point.

Overall customs supervision and operations along the northern corridor route is governed by Transit, Transport Coordination Authority (TTCA) under the Northern Corridor Agreement, which does not allow opening cargo in transit without reasonable cause. States party to this agreement are Uganda, DRC, Kenya, Rwanda and Burundi.

A comprehensive solution to the cross border trade is being addressed within the framework of the International Conference on the Great Lakes Region.

Allegation 4: States-transfer of Arms:

The Report alleges that neighbouring countries including, Uganda provide state-authorized arms transfers in support of dissident forces in the DRC.

Since the complete withdrawal of UPDF from the DRC, June 2003, Uganda has worked for a return of total peace and security to the entire country. It is in our national interest that we have a stable neighbour for trade and development of shared natural resources. It is in this context that Uganda would be interested to share with the Expert Group their corroborated evidence with regard to the specific allegations of violations of the arms embargo involving Uganda individuals or companies.

Allegations that Uganda supplied arms to UPC-L armed group are, therefore, to say the least most unfortunate, since the UPC-L group has all the time been anti-Uganda. It is within the territory that they control that PRA (a Ugandan Rebel Group) operates under its tutelage. Such information casts doubt on the credibility of some of the sources that the Expert Group used.

The allegation that Uganda supplied arms to FDLR is unacceptable. This group represents the backward genocidaire forces that are to a large measure responsible for the current unsettled situation in the region. It would be out of character for Uganda to associate with such a group. If there was anything on which the EG had to consult us about before writing the report then this is it. The Great Lakes Conference is also addressing this.

Allegation 5: Visit to Military Facilities Denied:

The Report alleges that the Expert Group was denied access to the military industries at Luwero.

The Expert Group expressed an interest to visit Nakasongola-Luwero industries. As is established practice everywhere special clearance is necessary for such visits. The Expert Group was advised to submit for a formal request. It was therefore not possible for the visit to be arranged. We hope that future missions will respect this established international procedure.

RECOMMENDATIONS

Uganda has noted the recommendations made by the Expert Group aimed at improving the implementation of the UNSC Resolution 1493 (2003). In her efforts to comply, Uganda has undertaken the following measures:

1. Reviewing the operations of the old airport to make it distinct from the Entebbe international airport. All civilian flights are relocating from the old airport to the new terminal. Cooperation and coordination in Uganda's CAA and the DRC's RVA has been enhanced through the MoU and the letter of procedure.

2. Uganda, Rwanda and the DRC have agreed under the Tripartite Commission to establish an intelligence information sharing mechanism. This mechanism will soon be operationalised.

3. While it is not possible within the financial resources available to mobilize sufficient manpower along key border crossings, Uganda shall endeavour to improve on efficiency of the agencies manning them. The border post of Bunagana has been strengthened to prevent any illegal encroachment by any party.

4. Uganda is ready and willing to investigate and as appropriate hold accountable any individuals or companies found in violation of both national laws and the arms embargo.

5. Uganda is actively participating in the on going Great Lakes Conference which we expect will address fundamentally all the concerns of the region in a comprehensive manner.

Ministry of Foreign Affairs,
Kampala

15 February 2005